

*Tashlik, Kreutzer, Goldwyn & Crandell P.C.*  
*40 Cuttermill Road*  
*Great Neck, N.Y. 11021*

WWW.TKGCLAW.COM

HILLEL SCHECHTER  
HSCHECHTER@TKGCLAW.COM

TEL: (516) 466-8005  
(212) 839-8330  
FAX: (516) 829-6509  
EMAIL: TKGCLAW.COM

ROBERT H. KREUTZER  
OF COUNSEL

July 19, 2010

VIA FEDERAL EXPRESS (Priority)

Honorable James M. Peck  
Courtroom 601  
One Bowling Green  
New York, NY 10004

RE: Lehman Brothers Holdings Inc. etal.  
Case No. 09-13555 (JMP) Jointly Administered

Please find enclosed an original response to Debtor's Twenty-Third Omnibus Objection to Claims (Duplicative of Indenture Trustee Claims) on behalf of Theodore Wm. Tashlik (Claim No. 40345). Also enclosed for filing is the response in .pdf format on a CD.

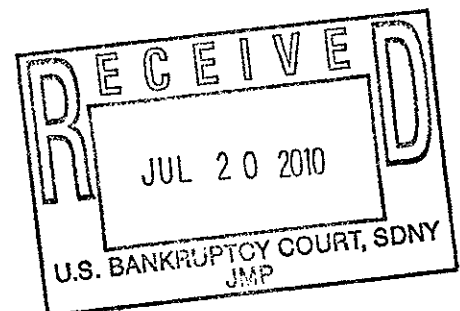
Respectfully,



Hillel Schechter

HS:pcs

cc: Weil, Gotshal & Manges LLP  
United States Trustee  
Milbank, Tweed, Hadley & McCloy LLP  
Epiq Bankruptcy Solutions



THEODORE WM. TASHLIK  
IRA Custodian  
9 Overlook Circle  
Manhasset, NY 11030-3933

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

|                                             |   |                         |
|---------------------------------------------|---|-------------------------|
| In re:                                      | : |                         |
|                                             | : |                         |
| LEHMAN BROTHERS HOLDINGS INC., <u>et al</u> | : | Chapter 11              |
|                                             | : |                         |
| Debtors                                     | : | Case No. 08-13555 (JMP) |
|                                             | : |                         |
|                                             | : | (Jointly Administered)  |

-----X

RESPONSE TO DEBTORS' TWENTY-THIRD OMNIBUS  
OBJECTION TO CLAIMS  
(DUPLICATIVE OF INDENTURE TRUSTEE CLAIMS)

TO THE HONORABLE JAMES M. PECK,  
UNITED STATES BANKRUPTCY JUDGE:

Theodore Wm. Tashlik ("Tashlik") hereby submits this response to Debtors' Twenty-Third Omnibus Objection to Claims (Duplicative of Indenture Trustee Claims) as follows:

1. Tashlik submitted a Proof of Claim claiming, in the aggregate, \$1,100,000, from the Lehman bankruptcy estate (the "Tashlik Claim").

2. The proof of claim for the Tashlik Claim has been designated claim number 40345.

3. In support of the Tashlik Claim, Tashlik submitted his Lehman Brothers Individual Retirement Account statement for account number 832-13353 (the "Lehman

Statement”). The statement is re-attached hereto as Exhibit A.

4. As noted on the Lehman Statement, the Tashlik Claim in the aggregate amount of \$1,100,000 is made up of (i) \$100,000 for a Mediumterm NTS Basket Linked Note due on November 16, 2009, identified by ISIN: US52517P7H86 (the “Note Claim”) and (ii) \$1,000,000 for holdings in the Libertyview Special Opportunities Fund LTD Class B, identified by Product Ref: 9N454670/USD (“Libertyview Funds Claim”).

5. The Debtors’ Twenty-Third Omnibus objection seeks to expunge the entire Tashlik Claim of \$1,100,000 as duplicative of the Indenture Trustee’s claim filed by Wilmington Trust Company.

6. A review of the Indenture Trustee’s claim filed by Wilmington Trust Company, (designated as Claim No. 10082) makes clear, that at most, only the \$100,000 portion of the Tashlik Claim related to the Note Claim is potentially duplicative of the Indenture Trustee’s claim.

7. A further review of the Indenture Trustee’s claim makes clear that the Indenture Trustee’s claim is in no way related to the \$1,000,000 portion of the Tashlik Claim related to the Libertyview Funds Claim.

8. Based on the foregoing, the Tashlik Claim made under claim number 40345 (or at least the great majority of such claim) is not duplicative if the Indenture Trustee’s claim filed by Wilmington Trust Company.

9. Because the Tashlik Claim is not duplicative, Tashlik would not be entitled to a double recovery if the Tashlik Claim were left undisturbed. In the alternative, if the Tashlik Claim were expunged, as requested by Debtor, Tashlik would not be fully compensated

solely by the surviving claim of the Indenture Trustee.

**WHEREFORE**, it is respectfully requested that (i) the Court overrule the Debtors' Twenty-Third Omnibus Objection to Claims (Duplicative of Indenture Trustee Claims) as to the Tashlik Claim and (ii) the Court not disallow or expunge the Tashlik Claim from the Court's claims register.

Dated: Great Neck, New York  
July 19, 2010

Respectfully Submitted,

By: Theodore Wm. Tashlik  
Theodore Wm. Tashlik  
Tel. No.: (516) 466-8005

EXHIBIT A

### Your Investment representative:

LEVI/DYER/DEXTER  
LEHMAN BROTHERS INC.  
399 PARK AVENUE  
6TH FLOOR  
NEW YORK NY 10022  
TEL: 800-392-5000

### Portfolio summary

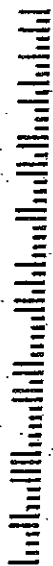
- 3 Account value
- Change in account value
- Contribution summary
- Distribution summary
- 4 Tax spotlight
- Bulletin board
- 5 Fixed income summary
- 6 Holdings
- 9 Activity
- 10 Cash investment summary
- 11 Tax lots

### Valuation summary: USD

Last period account value  
957,575.45  
This period account value  
911,112.15

All transaction dates  
appearing on this statement  
are settlement dates, unless  
otherwise labeled.

022248 02 AM 0.471 00122 LHDDG002  
\*\*\* THEODORE TASHLIK  
IRA CUSTODIAN  
9 OVERLOOK CIRCLE  
MANHASSET NY 11030-3933



## Bulletin board (continued on pg.4)

Lehman Brothers is committed to complying with various customer identification and verification obligations. We may ask you to provide documentation or additional information, as necessary, to enable Lehman Brothers to comply with these requirements. We may also screen your name against various databases to verify your identity. This verification applies to both new accounts and when changes are made to existing accounts. Please be assured that this information and documentation will be treated with the highest regard to your personal privacy.

Business Continuity at Lehman Brothers: For a summary of how Lehman Brothers would respond to a significant business disruption, please go to [www.lehman.com/bcp.htm](http://www.lehman.com/bcp.htm).

Additional information about your investment representative or your representative's brokerage firm may be available by accessing FINRA's BrokerCheck program. Please visit [www.nasbrokercheck.com](http://www.nasbrokercheck.com) or call 1-800-289-9999 for more information.

### GO PAPERLESS



Sign up for electronic delivery of account statements and trade confirmations and we will plant a tree on your behalf.

Visit [www.lehmanlive.com](http://www.lehmanlive.com) for details. If you currently do not have online access, please contact your Investment Representative.

## Understanding your portfolio statement

Client Services Department Within the U.S. 800-253-4626  
International 212-526-5600

Please contact us immediately to report any errors, omissions or discrepancies you find in your statement. Any oral communications should be re-confirmed in writing. Please send written inquiries to:

Lehman Brothers  
Compliance Division  
399 Park Avenue, 6th Floor  
New York, NY 10022-3763

If you have any questions about your statement or you have a material change in your investment objectives or financial situation, please call us. A financial statement of Lehman Brothers Inc. is available for your personal inspection at our offices, or a copy of it will be mailed upon your written request.

Transaction charges Details of transaction charges and commissions are displayed on transaction confirmations, which have been mailed separately to you. We will also send you this information upon request.

Client order policy We route client orders to the market where we believe clients receive the best execution, taking into account price, reliability, market depth, quality of service, speed and efficiency. Ordinarily, we will route orders only to markets where there is an opportunity for them to be executed at better prices than the quoted bid or offer. Lehman Brothers does not accept hard-dollar payment for directing customer orders to particular broker/dealers or market centers. However, we may receive discounts, rebates, reductions of fees or credits as a result of the overall volume of our trading activity or directing certain orders. But these benefits will generally not be sufficient to offset the cost of directing orders to such broker/dealers or market centers. If your statement indicates that a security was delivered to you or your designated representative, and you have not received it within three weeks, you must notify your branch office immediately. If you do not notify your branch office within 5 months of the statement delivery date, Lehman Brothers Inc. will not be responsible for the cost of posting a replacement bond.

Pricing and foreign exchange rates We obtain pricing and foreign exchange rates from various outside sources and do not guarantee the accuracy, reliability, completeness or attainability of this information. The prices of the securities appearing herein have not been adjusted from the closing market prices to reflect any adjustment (such as an illiquidity discount) that may apply or be appropriate to a particular security or position that is a restricted security, a control security or a similar type of security that is not freely tradable in the hands of the client. You or your service providers should make the necessary adjustments that you believe are appropriate for the security, the client's status and the prevailing market conditions. The prices and rates in this statement indicate values as of the close of business on the last business day of the month only.

Cost basis The unit cost for securities have been obtained from various outside sources, including where applicable, supplied by you. We do not guarantee the accuracy, reliability or completeness of this information. Cost basis and associated realized gain and loss information has been provided to you as a courtesy. Such information may not reflect all adjustments necessary for tax

reporting purposes. You should verify cost basis and corresponding gain/loss information against your own records when calculating reportable gain or loss resulting from a sale. You are solely responsible for the accuracy of cost basis and gain/loss information reported to federal, state and other taxing authorities.

Funds and securities Clients funds and securities are held at Lehman Brothers. We will pay you a free credit balance in any account, except for regulated commodity accounts, on demand. These funds may be used for our business purposes and are properly accounted for on our record book.

Guide to Lehman Brothers Equity Research Rating System: Our coverage analysts use a relative rating system in which they rate stocks as 1-Overweight, 2-Equal weight or 3-Underweight (see definitions below) relative to other companies covered by the analyst or a team of analysts that are deemed to be in the same industry sector ('the sector coverage universe').

In addition to the stock rating, we provide sector views which rate the outlook for the sector coverage universe as 1-Positive, 2-Neutral or 3-Negative (see definitions below). A rating system using terms such as buy, hold and sell is not the equivalent of our rating system. Investors should carefully read the entire research report including the definitions of all ratings and not infer its contents from ratings alone.

|                      | Stock Rating                                                                                                                                                                                                                                                                 |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 - Overweight:      | The stock is expected to outperform the unweighted expected total return of the sector coverage universe over a 12-month investment horizon.                                                                                                                                 |
| 2 - Equal weight:    | The stock is expected to perform in line with the unweighted expected total return of the sector coverage universe over a 12-month investment horizon.                                                                                                                       |
| 3 - Underweight:     | The stock is expected to underperform the unweighted expected total return of the sector coverage universe over a 12-month investment horizon.                                                                                                                               |
| RS Rating Suspended: | The rating and target price have been suspended temporarily to comply with applicable regulations and/or firm policies in certain circumstances including when Lehman Brothers is acting in an advisory capacity in a merger or strategic transaction involving the company. |
|                      | Sector View                                                                                                                                                                                                                                                                  |
| 1 - Pos / Positive:  | Sector coverage universe's fundamentals/valuations are improving.                                                                                                                                                                                                            |
| 2 - Neu / Neutral:   | Sector coverage universe's fundamentals/valuations are steady, neither improving nor deteriorating.                                                                                                                                                                          |
| 3 - Neg / Negative:  | Sector coverage universe's fundamentals/valuations are deteriorating.                                                                                                                                                                                                        |

Independent Research: We provide ratings from Independent Research Providers ("IRPs") for certain companies. BNY Jaywalk Inc. an intermediary, maps individual IRP ratings to standard ratings: (1-Buy, 2-Hold, 3-Sell) which are referenced on your statement.

Taxes For tax reporting purposes, you should rely on the official tax forms we send you after the end of the year.

Late charges If you purchase securities in your cash account and do not make payment by the settlement day, you may have to pay a late charge.

Interest charges Any interest you are charged is generally calculated from the 21st day of each month through the 20th day of the following month. When the 20th day falls on a weekend or holiday, the interest is calculated through that weekend or holiday, and the next business day is the start of the next interest period.

To calculate interest charges, we do the following:

Net average debit balance x interest rate x number of days the debit was outstanding x 1/360

We charge you interest on the debit balance in your account. Interest charges that are not paid will be added to the opening balance debit balance in your account for the next interest period.

Credit balances In accordance with New York Stock Exchange Rule 436, it is our understanding that any free credit balances in your account are being maintained for the purpose of investing those amounts through us.

General Information All transactions are subject to the constitutions, rules, regulations, customs, usages, rulings and interpretations of the pertinent exchanges, markets, self-regulatory organizations and clearing houses, as well as the terms and conditions set forth on the reverse side of Lehman's trade confirmation. All balances are subject to verification. Post-settlement and other differences may appear on subsequent statements. We and our affiliates trade for our own accounts, including as odd lot dealers, block positioners or arbitrageurs. At the time of any transaction in your account, we or our affiliates may have a long or short position in the same security and our positions may be completely or partially hedged. This statement should be preserved, as it may be necessary for the preparation and subsequent examination of your income tax return and to verify interest charges that may appear on your next statement.

We are required by law to report to the Internal Revenue Service certain dividends, bond interest and the net proceeds of certain transactions. For tax reporting purpose, you should rely on the forms that you will receive from us after the end of the year.

Member of SIPC Lehman Brothers Inc. is a member of the Securities Investor Protection Corporation (SIPC). Under SIPC regulations, Lehman Brothers Inc. must protect the securities and cash held in client accounts up to \$500,000 per client (including up to \$100,000 for claims for cash). In addition to the coverage required by SIPC, Lehman Brothers Inc. carries coverage protection from the Customer Asset Protection Company. Thus, the securities and cash held for clients by Lehman Brothers Inc. are protected up to each client's net equity. This coverage does not protect against changes in market value, securities lending, borrowing transactions (including repurchase and reverse repurchase agreements), and private equity may not be protected by SIPC. Sweep funds in the Lehman Brothers Bank Cash Deposit Account are also not covered by SIPC. You may obtain information about SIPC, including the SIPC brochure, at [www.sipc.org](http://www.sipc.org) or by calling 202-371-8300.

### Account value

|                                | Last period   | This period   | % change |
|--------------------------------|---------------|---------------|----------|
| Fixed income                   | \$ 94,860.00  | \$ 88,990.00  | -6.1%    |
| Alternative investments        | 862,576.29    | 821,982.97    | -4.7     |
| Cash, cash equivalents & other | 139.16        | 139.18        |          |
| Total account value            | \$ 957,575.45 | \$ 911,112.15 | -4.8%    |

### Contribution summary

Contributions made for 2008

This period  
\$ 0.00

This year  
\$ 0.00

The IRS requires that we report only the total amount contributed to your retirement fund during the calendar year. It is your responsibility to determine which contributions, if any, are deductible. The designations shown above are based on information you have provided to your investment representative.

### Change in account value

Interest and dividends for this year include all income received in 2008. Please see the Tax Spotlight section for a summary of income that may be reportable in 2008.

|                         | This period   | This year       |
|-------------------------|---------------|-----------------|
| Opening portfolio value | \$ 957,575.45 | \$ 1,104,011.53 |
| Interest                | 0.02          | 0.26            |
| Change in value*        | -46,463.32    | -192,899.64     |
| Closing portfolio value | \$ 911,112.15 |                 |

\* May include securities transferred in or out of your account

### Distribution summary

Gross distributions

This period  
\$ 0.00

This year  
\$ 0.00



Fixed income

| Maturity (exclusive of calls) | % of total portfolio | Market value        |
|-------------------------------|----------------------|---------------------|
| 0 - 3 months                  |                      |                     |
| 3 - 12 months                 |                      |                     |
| 1 - 2 years                   | 9.8                  | 88,990.00           |
| 2 - 5 years                   |                      |                     |
| 5 - 10 years                  |                      |                     |
| per 10 years                  |                      |                     |
| <b>Total</b>                  | <b>9.8 %</b>         | <b>\$ 88,990.00</b> |

| Coupon rate  | % of bonds Aug. 31 |
|--------------|--------------------|
| Under 2%     |                    |
| 2 - 4%       |                    |
| 4 - 6%       |                    |
| 6 - 8%       |                    |
| 8 - 10%      |                    |
| <b>Total</b> | <b>100.0 %</b>     |

| Coupon rate  | % of total portfolio | Market value        |
|--------------|----------------------|---------------------|
| Under 2%     | 9.8 %                | \$ 88,990.00        |
| 2 - 4%       |                      |                     |
| 4 - 6%       |                      |                     |
| 6 - 8%       |                      |                     |
| 8 - 10%      |                      |                     |
| <b>Total</b> | <b>9.8 %</b>         | <b>\$ 88,990.00</b> |

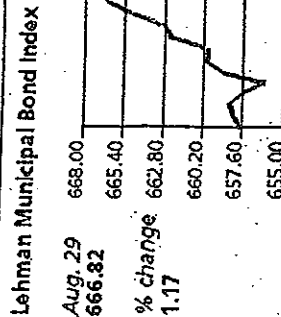
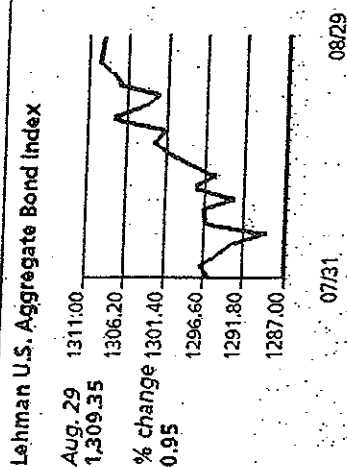
| % of bonds Aug. 31 |
|--------------------|
| 100.0 %            |

| Type                      | % of total portfolio | Market value        |
|---------------------------|----------------------|---------------------|
| CORPORATE                 | 9.8 %                | \$ 88,990.00        |
| GOVERNMENTS AND AGENCIES  |                      |                     |
| MUNICIPAL                 |                      |                     |
| INTERNATIONAL             |                      |                     |
| MORTGAGE AND ASSET-BACKED |                      |                     |
| MUTUAL FUND               |                      |                     |
| OTHER                     |                      |                     |
| <b>Total</b>              | <b>9.8 %</b>         | <b>\$ 88,990.00</b> |

| % of fixed income Aug. 31 |
|---------------------------|
| 100.0 %                   |

| Credit Quality | % of total portfolio | Market value |
|----------------|----------------------|--------------|
| Moody's A2     | 9.8 %                | \$ 88,990.00 |

Bond indices



# Alternative investments

The information reflected in this section is for informational purposes only and does not replace or supercede your Alternative Investment account statement. These positions may reflect the valuation as of a prior period and are derived from external sources. These positions are not held in custody by Lehman Brothers Inc. and are not subject to SIPC. Please also note that the totals may differ from the sum on individual components due to rounding.

| Limited partnerships                              | Total Subscriptions <sup>D</sup> | Total Redemptions <sup>L</sup> | Total Contributions <sup>M</sup> | Estimated Value            | Value in Excess of Net Contributions | Pending Cash <sup>E</sup> | Comments                                                                                    |
|---------------------------------------------------|----------------------------------|--------------------------------|----------------------------------|----------------------------|--------------------------------------|---------------------------|---------------------------------------------------------------------------------------------|
| IBERTYVIEW SPECIAL OPPORTUNITIES FUND LTD CLASS B | 1,000,000.00 <sup>3</sup>        |                                | 1,000,000.00 <sup>3</sup>        | \$ 821,982.97 <sup>3</sup> | - 178,017.03 <sup>3</sup>            |                           | Initial Subscription Date: 01 Sep 2007<br>Units: 95 <sup>3</sup><br>NAV: 8.669 <sup>3</sup> |
| Product Ref.: 9N454670/USD                        |                                  |                                |                                  |                            |                                      |                           |                                                                                             |
| ACTIVITY                                          | Effective Date                   | Amount                         | Value <sup>F</sup>               | Pending Cash <sup>G</sup>  | Notes                                |                           |                                                                                             |
| Capital Statement Value                           | 31 Jul 2008                      |                                | 821,983                          |                            |                                      |                           |                                                                                             |
| Current Estimated Value                           | 31 Aug 2008                      |                                | 821,983                          |                            |                                      |                           |                                                                                             |

3 Estimate based on the latest Capital Account Statement adjusted by preliminary activity information since such statement and may be revised upon the issuance of the next Capital Account Statement.

## Total Alternative investments

D Total Subscriptions represent a cumulative amount invested into the fund since Initial Subscription Date less placement fee collected as a part of subscription.  
E Pending Cash balance represents net balance of payments not yet collected from and/or not yet distributed to the investor's funding account at Lehman Brothers or payments collected from the investor's funding account and not yet invested.  
F Value amounts represent activity contribution in calculation of the Estimated Value.

G Pending Cash amounts represents activity contribution in calculation of Pending Cash balance.  
L Total Redemptions represent a cumulative amount redeemed since Initial Subscription Date.  
M Total Contributions represent a cumulative amount contributed since Initial Subscription Date inclusive of placement fee collected as a part of subscription.

Market value (USD)

821,982.97

LEHMAN BROTHERS

Individual retirement account  
832-13353

\*\*\* THEODORE TASHLIK  
August 1 - August 31, 2008

**ACTIVITY**

Interest

LEHMAN BANK CASH DEPOSIT ACCT

Date: 26 Aug 2008  
Taxable amt. \$ 0.02

Non-taxable amt.

Amount: \$ 0.02  
Comment: MONTHLY INTEREST

FOR 07/28/2008 - 08/25/2008  
29 DAYS YLD 0.17%  
The taxable and non-taxable designations provided above refer to the US Income tax treatment of distributions from your securities. The designations are accurate to the best of our knowledge. Clients should consult with a tax advisor regarding the tax treatment of their investments.

LEHMAN BROTHERS

**Page Intentionally Left Blank.**

**AFFIDAVIT OF SERVICE BY OVERNIGHT DELIVERY SERVICE**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NASSAU )

I, Patricia C. Santopietro, being sworn, say: I am not a party to the action, am over 18 years of age and reside at Bayside, New York.

On July 19, 2010, I served a true copy of the within Response to Debtors' Twenty-Third Omnibus Objection to Claims (Duplicative of Indenture Trustee Claims), by depositing a true copy thereof enclosed in a wrapper, addressed to the following persons at the last known address set forth after their name; into the custody of Federal Express for overnight delivery, prior to the latest time designated by that service for overnight delivery:

1. Honorable James M. Peck, One Bowling Green, New York, NY 10004, Courtroom 601
2. Attorneys for Debtors: Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153 (Attn: Shai Waisman, Esq.)
3. Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21<sup>st</sup> Floor, New York, NY 10004 (Attn: Andy Velez-Rivera, Esq., Paul Schwartzberg, Esq., Brian Masumoto, Esq., Linda Riffkin, Esq., and Tracy Hope Davis, Esq.)
4. Attorneys for Official Committee of Unsecured Creditors, Milbank, Tweed, Hadley & McCloy LLP, 1 Chase Manhattan Plaza, New York, NY 10005 (Attn: Dennis F. Dunne, Esq., Dennis O'Donnell, Esq., and Evan Fleck, Esq.)
5. Epiq Bankruptcy Solutions, LLC, Attn: Lehman Brothers Holdings Claims Processing, 757 Third Avenue, 3rd Floor, New York, NY 10017

  
Patricia C. Santopietro

Sworn to before me this  
19th day of July 2010

  
Notary Public

HILLEL SCHECHTER  
Notary Public, State of New York  
No. 02SC6124400  
Qualified in Nassau County 2013  
Commission Expires March 28, 2013